



DEPARTMENT OF THE ARMY
U.S. Army Corps of Engineers
WASHINGTON, D.C. 20314-1000

REPLY TO
ATTENTION OF:

CEPR-P (715)

12 SEP 1996

MEMORANDUM FOR ALL USACE COMMANDS, ATTN: DIRECTORS/CHIEFS OF
CONTRACTING

SUBJECT: PARC Instruction Letter 96-4, Implementation of Task Order Contract and Delivery
Order Contract Ombudsman

1. Reference:

- a. SARD-PP Memorandum of 29 July 1996, SAB (copy enclosed).
- b. FAR 16.505(b) (4).

2. In accordance with references 1a above the Head of the Contracting Activity is required to appoint a task and delivery order ombudsman. For all USACE contracting activities the ombudsman will be Mr. Bert A. Millikin, USACE special competition advocate.

3. While ombudsmen may become involved in all aspects of awarding task and delivery order contracts, his authority is limited to issues pertaining to the awarding of task and delivery orders under multiple award contracts.


4. Ombudsmen shall have the authority to:

- a. Review complaints from contractors awarded multiple award contracts that they have not been afforded a fair opportunity to be considered for award of a particular task order.
- b. After coordination with the contracting officer, and if he agrees with the contractor, require that the contracting officer take corrective action regarding the complaint.
- c. If the contracting officer does not agree with the ombudsman, the matter shall be decided by the PARC.

5. Multiple award task and delivery order contracts shall identify the ombudsman therein.

FOR THE COMMANDER:

Encl


THOMAS J. QUIGLEY
Colonel, Corps of Engineers
Acting Principal Assistant
Responsible for Contracting



DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
RESEARCH DEVELOPMENT AND ACQUISITION
103 ARMY PENTAGON
WASHINGTON DC 20310-0103

29 JUL 1996

REPLY TO
ATTENTION OF

SARD-PP

MEMORANDUM FOR ARMY HEADS OF CONTRACTING ACTIVITIES

SUBJECT: Task Order Contract and Delivery Order
Contract Ombudsman

FAR 16.505(b)(4) implements 10 U.S.C. 2304c(e) and states that, under multiple award task and delivery order contracts, "The head of the agency shall designate a...ombudsman who shall be responsible for reviewing complaints from contractors on task order contracts and delivery order contracts. The ombudsman shall...ensure that all contractors are afforded a fair opportunity to be considered, consistent with the procedures in the contract. The ombudsman shall be a senior agency official who is independent of the contracting officer and may be the agency's competition advocate."

I am currently the ombudsman for the Department of the Army. Each Army HCA shall appoint a task and delivery order ombudsman for the contracting activity. I recommend that it be the special competition advocate. In addition, each HCA shall develop procedures under which the ombudsman shall operate, consistent with the following conditions:

- a. The ombudsman shall be a senior official and independent of the contracting officer.
- b. While ombudsmen may become involved in all aspects of awarding task and delivery order contracts, their authority is limited to issues pertaining to the awarding of task and delivery orders under multiple award contracts.
- c. Ombudsmen shall have the authority to:
 1. Review complaints from contractors awarded multiple award contracts that they have not been afforded a fair opportunity to be considered for award of a particular task order; and

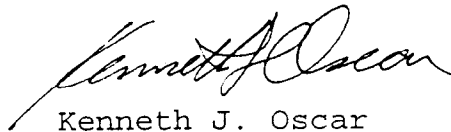


2. After coordination with the contracting officer, and if they agree with the contractor, require that the contracting officer take corrective action regarding the complaint.

d. If the contracting officer does not agree with the ombudsman, the matter shall be decided by the PARC.

Multiple award task and delivery order contracts shall identify the appropriate ombudsman.

If you have any questions, please contact Mr. John Conklin, DSN 227-0723.

A handwritten signature in cursive script, appearing to read "Kenneth J. Oscar".

Kenneth J. Oscar
Deputy Assistant Secretary of the Army
(Procurement)